

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

CODEMASTERS GROUP HOLDINGS)
LIMITED)

Plaintiff,)

v.)

SOUTHPEAK INTERACTIVE CORPORATION)

Defendant.)
_____)

Civil Action No. 3:11-cv-068

**REPLY IN SUPPORT OF DEFENDANT
SOUTHPEAK INTERACTIVE CORPORATION’S MOTION TO DISMISS
PLAINTIFF’S COMPLAINT PURSUANT TO FED. R. CIV. P. 12(b)(3)**

Defendant Southpeak Interactive Corporation (“Southpeak”), by counsel submits this Reply in support of its Motion to Dismiss filed on March 1, 2011. On March 10, 2011, in response to Southpeak’s Motion, Plaintiff Codemasters Group Holdings Limited (“Codemasters”) filed an Amended Complaint in a failed effort to void the valid Settlement Agreement between the parties and the forum selection clause therein, which mandates exclusive jurisdiction of this matter in the High Court of England. The Amended Complaint references a “Settlement Agreement Amendment,” which is an unsigned and undated draft that Codemasters created and Southpeak rejected. The purported Settlement Agreement Amendment has never been valid or in effect and does not allow Codemasters to seek any relief in this Court.

Nevertheless, because Southpeak understands that Codemasters filed the Amended Complaint as of right under Federal Rule of Civil Procedure 15, the Amended Complaint is now its operative pleading and Southpeak’s motion to dismiss should be directed to that pleading. Accordingly, Southpeak understands that its March 1, 2011 Motion is moot, and Southpeak will

file a motion to dismiss the Amended Complaint within the time period set forth in the Federal Rules of Civil Procedure.

This the 21st day of March, 2011

Respectfully submitted,

SOUTHPEAK INTERACTIVE
CORPORATION

By : _____/s/_____

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CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of March, 2011, I electronically filed the foregoing Memorandum of Law in Support of Defendant Southpeak Interactive Corporation's Motion to Dismiss Plaintiff's Complaint Under Fed. R. Civ. P. 12(b)(3) with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

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and also served a copy, along with a copy of the notification of such filing (NEF), via electronic mail, to the following non-filing user:

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